



# House of Representatives

General Assembly

**File No. 528**

January Session, 2007

Substitute House Bill No. 7152

*House of Representatives, April 18, 2007*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING THE RECORDING OF INSTRUMENTS BY TOWN CLERKS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 52-380d of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2007*):

4 (b) A release of a judgment lien on real property is sufficient if (1)  
5 [it] the release specifies the names of the judgment creditor and  
6 judgment debtor, the date of the lien, and the town and volume and  
7 page where the judgment lien certificate is recorded, and (2) the  
8 signature of the lienholder, attorney or personal representative is  
9 acknowledged and witnessed in the same manner as a deed on real  
10 property. The town clerk with whom the lien was recorded shall note  
11 such release as by law provided and shall index the record of each  
12 such release under the name of the judgment creditor and judgment  
13 debtor, except that a manual notation of such release shall not be  
14 required if such town clerk notes such release electronically by means

15 of a computerized notation that links such release to the recorded  
16 judgment lien certificate.

17 Sec. 2. Section 7-24 of the general statutes is repealed and the  
18 following is substituted in lieu thereof (*Effective January 1, 2008*):

19 (a) Each town clerk who is charged with the custody of any public  
20 record shall provide suitable books, files or systems, acceptable to the  
21 Public Records Administrator, for the keeping of such records and  
22 may purchase such stationery and other office supplies as are  
23 necessary for the proper maintenance of [his] the town clerk's office.  
24 Such books, files or systems, and such stationery and supplies shall be  
25 paid for by the town, and the selectmen of the town, on presentation of  
26 the bill for such books and supplies properly certified to by the town  
27 clerk, shall draw their order on the treasurer in payment for the same.  
28 [Every] Each person who has the custody of any public record books of  
29 any town, city, borough or probate district shall, at the expense of such  
30 town, city, borough or probate district, cause them to be properly and  
31 substantially bound. [He] Such person shall have any such records  
32 which have been left incomplete made up and completed from the  
33 usual files and memoranda, so far as practicable. [He] Such person  
34 shall cause fair and legible copies to be seasonably made of any  
35 records which are worn, mutilated or becoming illegible, and shall  
36 cause the originals to be repaired, rebound or renovated, or [he] such  
37 person may cause any such records to be placed in the custody of the  
38 Public Records Administrator, who may have them repaired,  
39 renovated or rebound at the expense of the town, city, borough or  
40 probate district to which they belong. Any custodian of public records  
41 who so causes such records to be completed or copied shall attest them  
42 and shall certify, under the seal of [his] such custodian's office, that  
43 they have been made from such files and memoranda or are copies of  
44 the original records. Such records and all copies of records made and  
45 certified to as provided [for] in this section and on file in the office of  
46 the legal custodian of such records shall have the force of the original  
47 records. All work done under the authority of this section shall be paid  
48 for by the town, city, borough or probate district responsible for the

49 safekeeping of such records, but in no case shall expenditures  
50 exceeding three hundred dollars be made for repairs or copying  
51 records in any one year in any town or any probate district comprising  
52 one town only, unless the same are authorized by a vote of the town,  
53 [nor] or in any probate district [composed of] comprising two or more  
54 towns, unless the same are authorized by the first selectmen of all the  
55 towns included in such district.

56 (b) There shall be kept in each town proper books, or in lieu thereof  
57 a recording system approved by the Public Records Administrator, in  
58 which all instruments required by law to be recorded shall be recorded  
59 at length by the town clerk within thirty days from the time they are  
60 left for record.

61 (c) The town clerk shall, on receipt of any instrument for record,  
62 write thereon the day, month, year and time of day when [he] the town  
63 clerk received it, and the record shall bear the same date and time of  
64 day; but [he] the town clerk shall not be required to receive any  
65 instrument for record unless the fee for recording it is paid to [him] the  
66 town clerk in advance, except instruments received from the state or  
67 any political subdivision thereof. [, and, when he] When the town clerk  
68 has received [it] any instrument for record, [he] the town clerk shall  
69 not deliver it up to the parties or either of them until it has been  
70 recorded. When any town clerk has, upon receiving any instrument for  
71 record, written thereon the time of day when [he] the town clerk  
72 received it [as well as] and the day and year of such receipt, and when  
73 any town clerk has noted with the record of any instrument the time of  
74 day when [he] the town clerk received the record, such entries of the  
75 time of day shall have the same effect as other entries that are required  
76 by law to be made.

77 (d) Each town clerk shall also, within twenty-four hours of the  
78 receipt for record of any such instrument, enter in chronological order  
79 according to the time of its receipt as endorsed thereon, (1) the names  
80 of sufficient parties thereto to enable reasonable identification of the  
81 instrument, (2) the nature of the instrument, and (3) the time of its

82 receipt.

83 (e) If the town clerk receives an instrument for record which [in his  
84 opinion he] the town clerk deems to be illegible, [he] the town clerk  
85 shall record such instrument, write thereon that it is being recorded as  
86 an illegible instrument and, if there is a return address appearing on  
87 such illegible instrument, give notice to the return addressee that a  
88 legible instrument should be submitted for rerecording forthwith. The  
89 fact that the town clerk records the instrument as an illegible  
90 instrument shall not affect its priority or validity.

91 (f) Each instrument for record shall have a blank margin, that shall  
92 be not less than three-fourths of an inch in width, surrounding each  
93 page of the instrument. Each such instrument that is to be recorded in  
94 the land records shall have a return address and addressee appearing  
95 at the top of the front side of the first page of the instrument. The town  
96 clerk shall not refuse to receive an instrument for record that does not  
97 conform to any requirement set forth in this subsection, and the fact  
98 that the town clerk records an instrument that does not conform to any  
99 requirement set forth in this subsection shall not affect its priority or  
100 validity.

101 Sec. 3. Section 7-29 of the general statutes is repealed and the  
102 following is substituted in lieu thereof (*Effective July 1, 2007*):

103 When any town clerk has recorded any instrument that the town  
104 clerk knows to be a release, partial release or assignment of a mortgage  
105 or lien recorded on the records of such town, the town clerk shall make  
106 a notation on the first page where such mortgage or lien is recorded,  
107 stating the book and page where such release, partial release or  
108 assignment is recorded, except that a manual notation of such release,  
109 partial release or assignment shall not be required if such town clerk  
110 notes such release, partial release or assignment electronically by  
111 means of a computerized notation that links such release, partial  
112 release or assignment to the recorded mortgage or lien. [If the land  
113 records are not maintained in a paper form, the town clerk shall make  
114 the notation on the digitized image of the first page of such mortgage

115 or lien in a form or manner approved by the Public Records  
116 Administrator.]

117 Sec. 4. Subsection (a) of section 7-34a of the general statutes is  
118 repealed and the following is substituted in lieu thereof (*Effective*  
119 *January 1, 2008*):

120 (a) Town clerks shall receive, for recording any document, ten  
121 dollars for the first page and five dollars for each subsequent page or  
122 fractional part thereof, a page being not more than eight and one-half  
123 by fourteen inches. Town clerks shall receive, for recording the  
124 information contained in a certificate of registration for the practice of  
125 any of the healing arts, five dollars. Town clerks shall receive, for  
126 recording documents conforming to, or substantially similar to, section  
127 47-36c, which are clearly entitled "statutory form" in the heading of  
128 such documents, as follows: For the first page of a warranty deed, a  
129 quitclaim deed, a mortgage deed, or an assignment of mortgage, ten  
130 dollars; for each additional page of such documents, five dollars; and  
131 for each marginal notation of an assignment of mortgage, subsequent  
132 to the first two assignments, one dollar. Town clerks shall receive, for  
133 recording any document with respect to which certain data must be  
134 submitted by each town clerk to the Secretary of the Office of Policy  
135 and Management in accordance with section 10-261b, [the sum of] two  
136 dollars in addition to the regular recording fee. Any person who offers  
137 any written document for recording in the office of any town clerk,  
138 which document fails to have legibly typed, printed or stamped  
139 directly beneath the signatures the names of the persons who executed  
140 such document, the names of any witnesses thereto and the name of  
141 the officer before whom the same was acknowledged, shall pay one  
142 dollar in addition to the regular recording fee. Town clerks shall  
143 receive, for recording any deed, except a mortgage deed, conveying  
144 title to real estate, which deed does not contain the current mailing  
145 address of the grantee, [the sum of] five dollars in addition to the  
146 regular recording fee. Town clerks shall receive, for filing any  
147 document, five dollars; for receiving and keeping a survey or map,  
148 legally filed in the town clerk's office, five dollars; and for indexing

149 such survey or map, in accordance with section 7-32, five dollars,  
150 except with respect to indexing any such survey or map pertaining to a  
151 subdivision of land as defined in section 8-18, in which event town  
152 clerks shall receive fifteen dollars for each such indexing. Town clerks  
153 shall receive, for a copy of any document either recorded or filed in  
154 their offices, one dollar for each page or fractional part thereof, as the  
155 case may be; for certifying any copy of the same, one dollar; for  
156 making a copy of any survey or map, the actual cost thereof; and for  
157 certifying such copy of a survey or map, one dollar. Town clerks shall  
158 receive, for recording the commission and oath of a notary public, ten  
159 dollars; and for certifying under seal to the official character of a  
160 notary, two dollars.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2007</i>	52-380d(b)
Sec. 2	<i>January 1, 2008</i>	7-24
Sec. 3	<i>July 1, 2007</i>	7-29
Sec. 4	<i>January 1, 2008</i>	7-34a(a)

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

Municipalities	Effect	FY 08 \$	FY 09 \$
All Municipalities	Potential Savings	Minimal	Minimal

**Explanation**

The bill could increase administrative efficiencies in town clerks' offices. Any potential savings are anticipated to be minimal.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****sHB 7152*****AN ACT CONCERNING THE RECORDING OF INSTRUMENTS BY TOWN CLERKS.*****SUMMARY:**

This bill allows town clerks to use electronic notations in connection with the recording of releases of judgment liens. It establishes additional requirements regarding the electronic notation for releases and assignments of mortgages and liens. It also establishes certain format requirements for instruments that are recorded on the land records. Finally it makes technical changes.

EFFECTIVE DATE: July 1, 2007, except that the format requirements become effective January 1, 2008.

**ELECTRONIC NOTATIONS FOR ASSIGNMENTS AND RELEASES**

Under current law, a town clerk must make a note on a recorded judgment lien indicating it has been released when a legally sufficient release is recorded on the land records. The bill specifies that a manual notation of such release is not required if the town clerk notes the release electronically by means of a computerized notation that links the release to the recorded judgment lien.

Under current law, when a mortgage release or assignment is recorded a town clerk must make a notation on the first page where a mortgage or lien is recorded, stating the book and page where the release, partial release, or assignment is recorded. The bill eliminates a provision that if a town's land records are not maintained in a paper form, the town clerk may make the notation on the digitized image of the first page of the mortgage or lien in a form or manner the Public Records Administrator approves. The bill instead specifies that a

manual notation is not required if the town clerk notes the release or assignment electronically by means of a computerized notation that links the release to the recorded mortgage or lien.

### **FORMAT REQUIREMENTS**

This bill requires that each instrument that is to be recorded in the land records must have a return address and addressee appearing at the top of the front side of its first page. It also requires that each page of such an instrument must have a blank margin at least three-fourths of an inch wide.

But the bill prohibits a town clerk from refusing to receive an instrument for recording that does not conform to these requirements. It specifies that the fact that the town clerk records a nonconforming instrument does not affect its priority or validity.

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 39      Nay 0      (04/02/2007)